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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,234	11/17/2000	Minoru Yamamoto	1095.1144/JDH	4192
21171	7590	01/23/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			WINDER, PATRICE L	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/714,234

Applicant(s)

YAMAMOTO ET AL.

Examiner

Patrice Winder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-3, 5-11 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3, 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel, USPN 6,237,035 (hereafter referred to as Himmel in view of Murphy, Jr. et al., USPN 6,061,741 (hereafter referred to as Murphy).

5. Regarding claim 1, Himmel discloses a server for performing a process in compliance with a request from a client, comprising:

receiving means for receiving a request from a client (column 3, lines 1-6);

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processing means for performing a process in compliance with the request received by the receiving means (column 3, lines 7-27).,

affixing means for affixing confirmation information for confirming display status of the client side to a result of the process performed by the processing means; storing means for storing the confirmation information affixed by the affixing means (i.e. transaction sequence number, column 5, lines 44-48),

liberal zone identification code affixing means for affixing a predetermined identification code to the result of process performed by the processing means when a request for a predefined group of pages is received by the receiving means (column 5, line 51 - column 6, line 7);

transmitting means for transmitting the result of process having the confirmation information affixed thereto by the affixing means to the client, which has made the request (column 5, lines 44-50);

extracting means, responsive to a request made again by the client, for extracting the confirmation information included in the request; determining means for determining whether or not the confirmation information extracted by the extracting means coincides with the confirmation information stored in the storing means (column 5, line 51 - column 6, line 71);

withholding means for withholding said processing means from executing the request made again by the client (column 5, line 51 - column 6, line 7);

suspending means for suspending operation of the withholding means when a request is again made from the client and also if the request made is affixed with the identification code (column 5, line 51 - column 6, line 7).

Himmel does not disclose withholding a process if the two sets of confirmation information do not coincide. However, Murphy, in the same field of endeavor, disclosed the design of withholding a process if two sets of confirmation information do not coincide (column 5, lines 12-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the withholding of a process by the tokens not coinciding, disclosed by Murphy, into the prevention of duplicate transactions, disclosed by Himmel, in order to synchronize connections.

6. Regarding claim 2, Himmel further taught error message transmitting means for transmitting a message-notifying occurrence of error to the client when the process is withheld by the withholding means (column 7, lines 1-28).

7. Regarding claim 3, Himmel further taught specified page information transmitting means for transmitting information about a pre-specified page to the client when the process is withheld by the withholding means (column 7, lines 1-28).

8. Regarding claims 5-11, claims 5-11 have similar limitations as claims 1-3.

Therefore, the similar limitations are disclosed under Himmel-Murphy for the same reasons set forth in the rejection of claims 1-3 (Supra 1-3).

Response to Arguments

9. Applicant's arguments filed November 8, 2005 have been fully considered but they are not persuasive.

10. Applicant argues – “Since the support cited by the Examiner in the rejection of claim 4, i.e. features (2) and (3) was the same as used in the rejection of claim 1, before amendment, i.e., feature (1), Applicants respectfully submit that the Examiner incorrectly does not seem to differentiate the recited ‘identification code’ from the ‘confirmation information.’”

a. Himmel clearly taught the action of “affixing” two codes separately.

Himmel illustrates the actions of “affixing” a first code to all “forms”, see column 5, lines 44-48 and “affixing” a second code to “embedded links”, see column 5, lines 51-55.

b. As per claims 6-11, the claim language does not recite an “identification code”, which renders Applicant’s argument moot.

Conclusion


11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Patrice Winder
Primary Examiner
Art Unit 2145

January 18, 2006